

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27621 OF 2005

Dt.27.12.2005

Between:

Pullipati Leela

... Petitioner

And

The Joint Collector, Prakasam District,
Ongole and 2 others. ... Respondents

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies for respondents 1 and 2 and the learned counsel appearing on behalf of the 3rd respondent.

As against the notification calling for applications for appointment of fair price shop dealer of Korrapativaripalem Village under Scheduled Caste Women category, the petitioner as well as the 3rd respondent have applied for their appointment as permanent dealer. Accordingly, interviews were held on 24.10.2005 and the petitioner was appointed as fair price shop dealer of the said village by the Revenue Divisional Officer, Kandukur, by order dated 26.10.2005. It is stated that the petitioner complied with all the formalities by depositing necessary amounts and the authorization fee. Aggrieved by the same, the 3rd

respondent filed an appeal before the Joint Collector, Ongole. It is also stated that caveat petition was also filed by the petitioner and the matter underwent adjournments for two times and on the third time without hearing the petitioner the Joint Collector granted stay of the operation of the appointment of the petitioner by order dated 21.12.2005. Questioning the said action of the first respondent, this writ petition has been filed.

Having regard to the facts and circumstances of the case, I am of the opinion that if the appointment of the petitioner is illegal and contrary to the provisions of law, it is for the appellate authority to consider and pass final orders. But during the pendency of the appeal with regard to the appointment of the dealership of the fair price shop, there cannot be any justification in granting stay of the appointment of the petitioner, as the appellant before the appellate authority is not going to get any benefit or cannot have any grievance to permit the petitioner to continue as fair price shop till the appeal is disposed of. In a given case only where it is not desirable to distribute essential commodities and where there are grave and serious irregularities have been committed, the dealership can be suspended or stay may be granted. But stay may not be granted in a routine manner. Therefore, the order of the first respondent dated 21.12.2005 in granting stay of the operation of the order of the Revenue Divisional Officer, Kandukur, is set aside. The first respondent is directed to dispose of the appeal itself after giving reasonable opportunity to the petitioner as well as the 3rd respondent. Till then the petitioner shall be permitted to distribute essential commodities.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

27.12.2005

Note: Issue copy by tomorrow.

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